

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

BLACK EMERGENCY RESPONSE TEAM,
et al.,

Plaintiffs,

v.

JOHN M. O'CONNOR, *et al.*

Defendants.

No. 21-cv-1022-G

DEFENDANTS' MOTION FOR LEAVE TO FILE EXHIBIT UNDER SEAL

Defendants 1-18 move for permission to file Exhibit 2 to the Supplemental Response of Defendants, *see* Doc. 81, 86, under seal pursuant to Fed. R. Civ. P. 5.2(d). The exhibit consists of the slides of the teacher training in Tulsa Public Schools that led to the enforcement action at issue in Plaintiffs' supplemental filing. The third-party vendor that created the training has recently asserted, to Defendants' counsel, an objection to Defendants publicly filing the document, claiming they have a proprietary interest that justifies having the slides filed under seal. Courts have held that there is a presumption of access to judicial records, but that the presumption can be overcome where "countervailing interests heavily outweigh the public interests in access." *Colony Ins. Co. v. Burke*, 698 F.3d 1222, 1241 (10th Cir. 2012). Out of respect for third party's objection, and without conceding any argument or right on the merits thereof, Defendants 1-18 request leave from this Court allowing them to file the exhibit under seal at least temporarily until this Court or the parties can further analyze the third party's objection. In the alternative, Defendants request this Court enter an order allowing Defendants to present the relevant exhibit to the Court in the manner the Court deems appropriate.

Respectfully submitted,
s/ *Zach West*

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